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In the

Supreme Court of the United States

OCTOBER TERM, 1968

No. 71

PRESBYTERIAN CHURCH IN THE UNITED STATES, ET AL.,
Petitioners,

VS.

MARY ELIZABETH BLUE HULL MEMORIAL PRESBYTERIAN CHURCH,
Respondent.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF GEORGIA

MOTION OF W. J. WILLIAMSON, SECRETARY OF CONCERNED PRESBYTERIANS, INC., FOR LEAVE TO FILE A BRIEF AMICUS CURIAE

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MOTION OF W. J. WILLIAMSON, SECRETARY OF CONCERNED PRESBYTERIANS, INC., FOR LEAVE TO FILE A BRIEF AMICUS CURIAE

W. J. Williamson, as a member of Presbyterian Church in the United States and as Secretary of Concerned Presby-

terians, Inc., respectfully moves for leave to file the attached brief amicus curiae in support of the Respondents in the above styled cause. Consent has been requested by letter to all counsel for all parties on August 9, 1968. Consent has been received from one of the counsel for one of the parties; but no consent has been received from the other counsel so movant avers that such consent has been refused.

W. J. Williamson is a Ruling Elder in The First Presbyterian Church of Greenville, Alabama, which is one of the member churches of the Presbyterian Church in The United States, one of the Petitioners in this cause. W. J. Williamson is the Secretary of Concerned Presbyterians, Inc. This organization is a non profit, religious corporation organized and existing under the laws of The State of Georgia. It is a voluntary organization comprised principally of laymen of The Presbyterian Church in The United States. It was organized in 1964 and has its administrative headquarters in Miami, Florida. It employs a staff and a full time field director. It has a budget of $100,000.00 per year and mails a regular printed bulletin to over 50,000 interested people. This organization arose because of great concern among the people in the pew toward the trends in The Presbyterian Church in The United States which many felt violated the Constitution of the Church. This organization has as its published primary goal and aim to return the Presbyterian Church in The United States to its primary mission of winning lost souls to Jesus Christ and nurturing them in the faith. These laymen feel that The Presbyterian Church in the United States has become so involved in social, economic and political matters in flagrant violation of its Constitu-

tion that an organized effort must be made to return it to its primary mission as aforesaid.

Involved in this litigation are two Presbyterian Churches and the parent ecclesiastical body of the church of which movant is a member. There are over 4000 churches in The Presbyterian Church in the United States. Lay members in many of these churches are also members of Concerned Presbyterians, Inc. They feel that this decision will vitally affect the future ownership and control of their local church property. The officials of Presbyterian Church in The United States undertook this litigation without the advice and consent of any court of the church or the membership thereof. Many feel that those in ecclesiastical control of The Presbyterian Church in The United States do not represent the vast majority of the people in the pew. Movant has read the Brief of Petitioner Church and feels that it does not fully or completely state the constitutional position of said church nor the application of the existing law to the ownership of property by local congregations therein. Therefore, movant submits that because of the vital interest of thousands of members in the Petitioner Church in the matters to be considered in this case by this Honorable Court, that movant should be permitted to point up the particular historic position of Petitioner Church toward the local ownership and control of its church property. Movant desires to file the attached brief in order to bring these matters to the attention of the Court since movant believes that their consideration is essential to a full presentation of the constitutional issues involved in this case.

WHEREFORE, it is respectfully requested that this Motion for Leave to File a Brief amicus curiae be granted

and the views expressed in that brief be considered by this Court.

Respectfully submitted,

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BRIEF OF W. J. WILLIAMSON, SECRETARY OF CONCERNED PRESBYTERIANS, INC., AMICUS CURIAE, IN SUPPORT OF RESPONDENT

THE STATUS OF AMICI CURIAE

The members of Concerned Presbyterians, Inc., who are lay members of churches in The Presbyterian Church in The United States, represent the deep interest of the people in the pew in this case before the Court. They are in

accord with the Respondents in this case and consider it important to the health of their local churches that this Court sustain the decision of the Supreme Court of Georgia.

This amicus curiae does not intend to argue all the matters which can be reasonably anticipated to be fully argued in the briefs for the Respondents; but it is intended to argue here matters of vital interest to these many local churches in The Presbyterian Church in The United States.

ARGUMENT

Rather than submit a lengthy brief upon the facts and the law, this amicus curiae joins in all that is stated in the brief by the Respondents adding only the following few points and arguments.

This amicus curiae is vitally interested in the decision of this Court because of the approximate 1,000,000 members of the Presbyterian Church in the United States whose church property will be affected thereby.

Ecclesiastical law tends to be archaically and voluminously articulated; and it is most often characteristically obscure, replete with unfathomable vagaries. In 1952 the Supreme Court, in the landmark decision of *Kedroff* v. *St. Nicholas Cathedral*, 344 U.S. 94, introduced new constitutional dimensions into this area of the law. Although this litigation dragged on to the *Kreshik* v. *St. Nicholas Cathedral*, 363 U.S. 190, decision of 1960, these various constitutional problems have yet to be successfully resolved. The old case of *Watson* v. *Jones*, 80 U.S. (13 Wall.) 679 (1871) had been modified through the years; but now since these questions have been raised and not answered, an area of church law, which was becoming relatively clear and set-

tled, has become shrouded in uncertainty. It desperately needs clarification. The instant cases offer the facts on which such clarification can be made. We suggest that these facts and this law raises three pertinent questions:

(1) What criteria of ownership are relevant in settlement of church property disputes?

(2) How can civil courts, at the same time, deal with church property disputes and avoid involvement in theological controversies?

(3) To what extent do the constitutional guarantee of freedom of exercise of religion and its correlative prohibition of an establishment of religion impinge upon the various methods courts can use to settle these disputes?

In answer to these questions, this amicus curiae suggests the following propositions, to wit:

I. When Church Property Rights Are in Dispute, Civil Courts Must Determine Criteria of Ownership and Rights of Peaceful Possession.

Property rights are among the most cherished human rights in our Republic. The various states have vested interests in the orderly control of the ownership, possession and disposition of property within their borders. In the establishment of criteria for determining ownership and rights of peaceful possession of church property, these are suggested:

(a) Right of appointment of clergy to given churches.

(b) Right to determine membership in the congregation.

(c) Right to administer church finances and prescribe discipline.

(d) Right to prescribe control and use.

In the case at bar each of these criteria of ownership and possession rested in the local Respondent churches and not in any higher judicatory.

The right of appointment of the clergy in the Presbyterian Church in the United States rests solely in the local congregation. This is evident from Paragraph 26-1[1] of The Book of Church Order. Only a local congregation can call a minister; no superior church body or person can assign a minister to a local congregation. The local Nominating Committee must "confer" with Presbytery's Commission on the Minister and His Work; but such Commission has no control or veto over the call of a particular minister as its service is limited to "advice".

The right to determine membership is vested absolutely and exclusively in The Session of the Local Church.[2]

---

1. Book of Church Order: Paragraph 26-1.

A church which desires to elect a Pastor or an Associate Pastor shall proceed after the following manner:

The Church Session shall call a congregational meeting to convene at the regular place of worship to elect a Nominating Committee, representative of the whole congregation, whose duty shall be to nominate a Minister to the congregation for election to the desired pastoral relation. Public notice of the time, place, and purpose of the meeting shall be given at public worship at least one week prior to the time of the meeting.

The Nominating Committee shall promptly confer with the resbytery's Commission on the Minister and His Work. All names submitted to the Nominating Committee, with information as to the source of the suggestion, shall be referred to the Commission on the Minister and His Work for its advice.

When the Nominating Committee is ready to report, it shall so notify the Session, which shall call a congregational meeting at the regular place of worship for the purpose of acting on the report of the Committee. Public notice of the time, place, and purpose of the meeting shall be given at public worship at least one week prior to the time of the meeting.

2. Book of Church Order. Paragraph 7-1.

Communing members are those who have made a profession of faith in Christ, have been baptized, and have been admitted by the Session to the Lord's Table. They are entitled to all the rights and privileges of the Church, including the right to participate in the Sacrament of the Lord's Supper, the right to present children for Baptism, and the right to take part in meetings of the congregation of which they are members in good standing.

The right to administer finances and to prescribe discipline over members is vested exclusively in the local church. As to finances Paragraph 6-2 of The Book of Church Order provides that ". . . *all* funds collected for the support and expense of the church and for the benevolent purposes of the church shall be controlled and disbursed by the Session and the Board of Deacons as their relative authorities may from time to time be established and defined." No higher judicatory has any control over the finances of the local church; and no higher judicatory has any authority to make any assessment or demand for funds on the local church. Such judicatory can only "ask" not "assess or demand". An official pamphlet published by The General Council of the Presbyterian Church in the United States entitled "The Benevolence Program of the Presbyterian Church U. S." states the official position of the church in this language:

> "1. The individual both in the amount of his giving and in the particular cause to which his gift is directed is under Christian liberty. God alone is Lord of the conscience. . ." and,
>
> "The logic of the plan outlined in this paper, and the increasing pressure of present needs indicates that there is also a need for a uniform policy for all courts of the church. Such a policy must rest on the fundamental rights of Christian liberty for each contributor and contributing organization. This means that the equalization policy must allow for designation of contributions in any way the giver desires."

Thus it is clear that in the Presbyterian Church in the United States the local church has the exclusive control over its finances completely free of any denominational restrictions. This is also true with the right to prescribe discipline for individual members. Book of Church Order, Paragraph 104-1 provides:

"Original jurisdiction over church members, Ruling Elders and Deacons is in the Church Session of the church to which such members belong. . ."

Finally, as to the last criteria of ownership and possession, the right to prescribe control and use of the property is in the local congregation.[3] The local officers may buy, sell or mortgage the property without any approval or control from a higher judicatory. The only time that a higher judicatory has any claim to the property of a local congregation is when a church ceases to exist and the local congregation has failed to dispose of the property, the title shall be transferred to the Presbytery rather than let it escheat to the State. Both historically and constitutionally the Presbyterian Church in the United States has maintained a position of modified congregationalism as to local property and representative government as to spiritual and doctrinal matters.

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3. Book of Church Order, Paragraph 6-2.

If a particular church is incorporated, the provisions of its charter and bylaws must always be in accord with the Constitution of the Presbyterian Church in the United States. If the congregation is an incorporated body, all the communing members on the active roll of that church shall be members of the corporation. The officers of the corporation, whether they be given the title "Trustee" or some other title, shall be elected from among the members of the corporation in a regularly constituted congregational meeting. The powers and duties of such officers must not infringe upon the powers and duties of the Session or of the Board of Deacons. All funds collected for the support and expense of the church and for the benevolent purposes of the church shall be controlled and disbursed by the Session and the Board of Deacons as their relative authorities may from time to time be established and defined. To the officers of the corporation may be given by the charter and bylaws of the corporation any or all of the following responsibilities: The buying, selling and mortgaging of the property for the church, the acquiring and conveying title to such property, the holding and defending title to the same, the managing of any permanent special funds entrusted to them for the furtherance of the purposes of the church, provided that such duties do not infringe upon the powers and duties of the Session or of the Board of Deacons. In buying, selling and mortgaging real property such officers shall act solely under the authority of the corporation, granted in a duly constituted meeting of the corporation.

Thus in the instant case the Georgia civil courts did properly determine this dispute over the real property of the local churches. Proper determinations were made as to these criteria of ownership and possession. All criteria clearly proved that ownership and right of possession was in the Respondent local churches.

II. Watson v. Jones Is Not Proper Basis for Absolute Judicial Abstention Where Such Would Be Offensive to Settled Public Policy, Harsh, Unfair or Otherwise Inconsonant with Traditional Equity Principles.

The Supreme Court of Georgia held in effect that judicial abstention is not absolute in property disputes in hierarchical churches. Petitioners contend that the only proper judicial review in hierarchical church cases is for the court to do no more than examine the credentials of the church judicatory to see whether in fact it represents the ultimate authority within the church; and if so, its decision binds the court. It is true that the third rule of *Watson* v. *Jones*, supra, puts forth a concept of very limited judicial review of the decisions of ecclesiastical judicatories. Many courts, since that decision, however, though recognizing its status as a leading case have been unwilling to recognize such unlimited power in the hands of church authorities. Courts have recognized considerable truth in Lord Acton's maxim that power corrupts and absolute power corrupts absolutely. The policy of complete deference to church tribunals was quickly eroded as the courts began to realize that the consent of an individual member to be governed may not have been unconditional. The courts began to demand from church tribunals some rudimentary notions of fairness and equity. The erosion began in 1872 in *Bouldin* v. *Alexander*, 82 U.S. (15 Wall.) 131, with an implication that the court would only defer

to a church tribunal which had followed its own procedural rules. This requirement of procedural regularity modifies the doctrine of *Watson* v. *Jones,* supra, by imposing traditional rules of equity on the church tribunals.

Beginning with the limitations expressed in *Bouldin* v. *Alexander,* supra, the federal courts since *Watson* v. *Jones,* supra, have examined church decisions, sometimes rather closely, to ensure that these decisions have been fair and just to disputing church members, within the context of church doctrine and procedures. *Brundage* v. *Deardorf,* 55 F. 839 (1893), for example, involved a dispute between two factions of the Church of United Brethren of Christ, a national hierarchical church, concerning a new declaration of faith and a new constitution which had been adopted by a majority vote at a regularly held church convention. Both warring factions claimed that the other had seceded, and each faction had established its own hierarchy, which it claimed to be the true governing authority of the church. After distinguishing *Watson* v. *Jones,* supra, on factual grounds, Judge Taft interpreted that case as laying down the proposition that

> "only a *bona fide* decision (by a church tribunal) of the fundamental law of the church must be recognized as conclusive by civil courts. Clearly, it was not the intention of the court to recognize as legitimate the revolutionary action of a majority of the supreme judicatory, in fraud of the rights of a minority seeking to maintain the integrity of the original compact."

The modification of *Watson* v. *Jones,* supra, by later case law is best summarized in Mr. Justice Brandeis' restatement of the *Watson* rule in *Gonzalez* v. *Archbishop,* 280 U.S. 1 (1929). Though the holding followed Justice Miller's opinion in giving effect to the ruling of the highest church authority the statement of the rule the courts were

to apply in church disputes significantly expanded Miller's original formulation:

> "In absence of fraud, collusion or arbitrariness, the decisions of the proper church tribunals on matters purely ecclesiastical, although affecting civil rights, are accepted in litigation before the secular courts as conclusive, because the parties in interest made them so by contract or otherwise."

Under this rule the role of the civil court includes an examination of the fairness of the church proceedings both to determine the good faith of the church authorities ("absence of fraud, collusion") and also to determine whether the church tribunal has blatantly disregarded its own rules ("or arbitrariness"). In sum, the line of cases culminating in *Gonzalez* v. *Archbishop* diluted the *Watson* principle of absolute deference to church authorities. Implicit in these cases was the concept that the consent of the members to be governed by the church authorities did not envision fraudulent, arbitrary, or collusive action by these authorities.

One of the more recent cases modifying the rigidity of the *Watson* v. *Jones,* supra, rule is the 1953 decision of *Romanian Orthodox Missionary Episcopate* v. *Trutza,* 205 F.2d 107. In this case the court looked into the methods by which the church functioned at its highest level. The court concluded that if such methods are proven to be harsh, unfair or inequitable, the court may and should look beyond the rigid rule formulated in *Watson* v. *Jones,* supra.

The court stated the principle in the 1966 case of *Serbian Eastern Orthodox Diocese* v. *Ocokoljich,* 219 N.E.2d 343, in this language:

> "Where the decision of the church tribunal is tainted with fraud, collusion or arbitrariness, the decision need not be accepted by the secular court. . . "

Thus it is quite clear that now *Watson* v. *Jones*, supra, does not offer a proper legal basis for absolute judicial abstention where such would be offensive to settled public policy, harsh, unfair or otherwise inconsonant with traditional equity principles. Hence the decision of the Supreme Court of Georgia was quite proper in that an issue was presented in this case for a jury to determine as to whether or not there had been a substantial abandonment or departure by the general church of its fundamental law or constitution. A church constitution is a contract, and it is the duty of the civil courts to construe and enforce these contracts just as they construe and enforce the charter provisions of a municipal corporation or of a voluntary association as a labor union. If ecclesiastical bodies in their legislative capacity commit unconstitutional acts, these acts are to be set aside, by the courts, and they may be compelled to observe and act under the constitution. This is the rule in municipal government and voluntary associations and is equally applicable to church government. It is quite true that civil courts have properly refrained from settling issues of doctrine for the law knows no dogma. But the issue in the case at bar is not a doctrinal dispute but a question of flagrant constitutional violation. The Petioner Church's constitution, in the Confession of Faith, Chapter XXXIII, paragraph 4, states very clearly:

> "Synods and councils are to handle or conclude nothing but that which is ecclesiastical; and are not to intermeddle with civil affairs which concern the commonwealth unless by way of humble petition in cases extra ordinary; or by way of advice by the civil magistrate."

The Respondent Churches claimed that the General Assembly of the Petitioner Church, as the highest judicatory of the church, had violated this provision of its constitution. The Respondent Churches gave evidence of the several violations. The jury was charged with the responsibil-

ity of determining if the alleged violations represented such a substantial departure from this constitution as to justify the Respondent Churches withdrawing and taking their local property with them. We think the jury was the proper decision-making body to make this determination. Petitioners contend that the General Assembly itself is the proper body to make such a determination, and such a decision is binding on the civil courts. Such a rule in this case would clearly be harsh, unfair and inequitable. For in such a case the General Assembly would be passing on the validity of its own actions. It would be both judge and jury. Under such a procedure, local churches and members would have absolutely no recourse to deliberate constitutional violations by the General Assembly. Where property rights and peaceful possession are at stake, the civil courts must intervene to determine constitutional regularity. And we think the test of "substantial abandonment or departure" propounded by the trial court is reasonable and just. It is rigid enough to deter frivolous litigation by any dissident member and flexible enough to give constitutional protection to those who consented to be governed thereby but feel aggrieved by alleged violations.

Further reason in this regard is given when the true nature is seen of the relationship between local churches and members to the General Assembly in the Petitioner Church. Justice Miller in *Watson* v. *Jones*, supra, set forth his now famous trichotomy of church disputes. Of course the third type is where "The ecclesiastical body holding the property is but a subordinate member of some general church organization in which there are superior ecclesiastical tribunals with a *general* and *ultimate* power of control more or less *complete* in some supreme judicatory over the whole membership of that general organization (emphasis supplied)." This rule conceives of a judicatory with *general* and *ultimate* power of control more or less com-

plete. The Petitioner Church does not fully fit into this category. The Roman Catholic, the Methodist, the Episcopal churches do so fit but not the Presbyterian Church in the United States. The General Assembly of the Petitioner Church does not have *general* and *ultimate* power of control, more or less complete, over local churches or local members.

The significance of the determinations made by the General Assembly of the Petitioner Church were defined at the assembly of 1880:

> "2. The judicial decisions of our courts differ from in these deliverances, in that the former determine, and when proceeding from our highest court, conclude a particular case; but both these kinds of decisions are alike interpretations of the Word by a church court, and both not only deserve high consideration, but both must be submitted to, unless contrary to the Constitution and the Word, as to which there is a right of private judgment belonging to every church court, and also to every individual church member." (A Digest to the Acts and Proceedings of the General Assembly of the Presbyterian Church in the United States—page 71).

From this official statement of the General Assembly, it is quite obvious that it, as the highest church court, does not have such general and ultimate power of control, more or less complete over local churches, as to fully conform its authority with Justice Miller's third category. We must then say that Petitioner Church is somewhere between the second and third categories of Justice Miller's trichotomy. It is somewhat congregational but not fully, and it is somewhat hierarchical but not fully. Therefore the modified rules of *Watson* v. *Jones*, supra, should be applied to the case at bar; and the civil court thus made proper inquiry into the alleged constitutional violations.

III. The Establishment Clause of the First Amendment Is to Protect the Church Against the State and the Free Exercise Clause Is to Protect the Individual Against the Church Hierarchy.

Petitioners argue that the First Amendment to the Constitution of The United States forbids civil courts to decide church disputes such as the case at bar. They seem to contend that the wall of separation of church and state is so high that a civil court cannot inquire into the actions of a judicatory of a hierarchical church. We believe this is to misinterpret the views and purposes of the drafters of this Amendment at the time of its adoption. We should like to examine the history of this Amendment for we believe it clearly shows that the Amendment was enacted not for the purpose of establishing a complete neutrality but solely to prevent any one sect or combination thereof from dominating the religious life of this country with the aid of the government.

The subject of religious freedom as well as the other civil rights was excluded from the Constitution itself. This was not an oversight nor an attempt to minimize its importance but simply a part of an intentional plan to eliminate all that was considered unnecessary. It was Madison's view that the Constitution as an instrument of delegated powers granted the federal government no power over religious matters so that a positive restriction would be unnecessary. But in his eyes the most important guarantee of religious freedom in America was the large number of religious denominations in this country which would keep any one of them from becoming dominant to the exclusion of the others.[4]

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4. "If there were a majority of one sect, a Bill of Rights would be a poor protection for liberty. Happily for the states, they enjoy the utmost freedom of religion. This freedom arises from that multiplicity of sects which pervades America." 5 Writings of James Madison (Hunt ed.) 176.

However, the colonists did not have the same trust and understanding of the Constitution, and they demanded more positive safeguards. To meet this demand, the colonists were promised a Bill of Rights to secure these freedoms. The first of these was religious liberty which was protected by the First Amendment: "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof."[5]

A study of the various forms this Amendment took and the debates which surrounded its drafting and adoption are indicative of the intended purpose of the safeguard. The clause went through six states before finally being adopted:[6]

1. The civil rights of none shall be abridged on account of religious belief or worship, nor shall any *national* religion be established, nor shall the full and equal rights of conscience be in any manner, or on any pretexts, infringed. (Italics added)

2. No religion shall be established by law, nor shall the equal rights of conscience be infringed.

3. Congress shall make no laws touching religion, or infringing the rights of conscience.

4. Congress shall make no law establishing religion, or to prevent the free exercise thereof, or to infringe the rights of conscience.

5. Congress shall make no laws establishing articles of faith or a mode of worship or prohibiting the free exercise of religion

6. Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof.

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5. U. S. Constitutional Amendment I.

6. See 1 Annals of Congress 434-916 (1789).

A close reading of these versions makes a limited scope more apparent which is substantiated by Madison's own words:

> "Whether the words are necessary or not . . . they had been required by some of the State Conventions, who seemed to entertain an opinion that under the clause of the Constitution, which gave Congress power to make all laws necessary and proper to carry into execution the Constitution, and the laws made under it enabled them to make laws of such a nature as might infringe the rights of conscience, and establish a national religion; to prevent these effects . . . the Amendment was intended."[7]

During the debate on the versions in question someone suggested that the Amendment might be construed to favor those who believed in no religion at all. In reply Madison is reported as follows:

> "If the word 'national' was inserted before 'religion', it would satisfy the minds of the honorable gentlemen. He believed that the people feared that one sect might obtain a pre-eminence, or two combine together, and establish a religion to which they would compel others to conform. He thought that if the word 'national' was introduced it would point the amendment directly to the object it was intended to prevent."[8]

We need not rely on Madison's views alone. Sylvester of New York feared that the words of the final draft might be misconstrued so as to abolish religion completely. Gerry of Massachusetts thought a better statement would be to say that "no religious doctrine could be established by law". Carroll of Maryland favored the Amendment because he felt that dissenters, now displeased with the Constitution, might be won over by learning that no *one* religion could be established by Congress.[9]

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7. Id. at 730.
8. Id. at 731.
9. Id. at 729-731.

It thereby becomes apparent from the wording of the various drafts and the expressions of Madison and others at the time that the intended purpose of the First Amendment was to oppose the exclusive establishment of any one religious faith and not to require a complete divorce between government and religion.

It thus appears to us that the drafters of this First Amendment intended that the establishment clause would protect the church from undue interference by the State and that the free exercise clause would protect the individual from the church hierarchy. In the case at bar the Respondent Church members simply want the freedom to worship as they please in their own church property which they bought and paid for without outside interference. If the civil court were to refuse to hear their plea, the State would in effect be establishing a religion for the church hierarchy. Mr. Jefferson's "wall of separation" is just not that high. It certainly is not so high that it forbids inquiry into this claim that a hierarchical church has transgressed its own constitution thereby denying to its local members the freedom of religion they consented to choose in submitting thereto.

CONCLUSION

This Amicus Curiae submits that the judgments of the Supreme Court of Georgia should be affirmed.

Respectfully submitted,

Of Counsel:

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W. J. WILLIAMSON

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CERTIFICATE OF SERVICE

I, W. J. Williamson, movant, hereby certify that I have served a copy of the foregoing motion and attached brief by depositing a copy of the same in the United States mail, properly stamped and addressed to each of the following:

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This ..... day of September, 1968.

W. J. WILLIAMSON